IN THE HIGH COURT OF UTTARANCHAL IN NAINITAL

Writ Petition No. 1820 (M/B) of 2001
(Old No. 37252 of 1998)

Sri Rajendra Prasad Purohit,
S/o late Sri Mahanand Purohit,
R/o Village Sankari, P.O. Karan Prayag,
Tehsil Karan Prayag, District Chamoli

... **Petitioner**

Vs

Union of India through its Forest Secretary, New Delhi and seven others

... **Respondents**

Dated: July 18, 2006

Sri B.D. Upadhyaya, learned counsel for the petitioner
Learned standing counsel for Union of India
Ld. Standing counsel for State

Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the recovery citation for an amount of Rs.1,54,230.65 dated 14.10.1998 (Annexure No.8) passed by Tehsildar, Karan Prayag, District Chamoli – Respondent No.8.

2. In compliance of this Court's order dated 10.5.2006 and 12.4.2006, the petitioner has deposited a sum of Rs.90,000/- (Rupees ninety thousand only) with the party concerned.

3. The petitioner had taken a loan from Zila Parishad, Chamoli amounting to Rs.47,600/- and subsequently the petitioner further took a loan of Rs.20,000/- and Rs.25,000/- from the Industries Board for establishing the Brick Kiln industry in the remote

area of District Chamoli. The petitioner's business was closed on account of non-availability of raw material due to enactment of Forest (Conservation) Act, 1980.

4. Be that it may, but the fact remains that the petitioner had taken a loan as stated above and is liable to pay the said amount and further the liability of payment is also not denied. Therefore, this writ petition is disposed of with a direction that the balance amount of the loan minus the amount of Rs.90,000/- as has been deposited by the petitioner shall be paid by him within a period of one year in four equal quarterly installments. The dispute of arrears of interest on the amount credited to the petitioner shall be settled by the respondents Zila Parishad and the District Industries Board, Chamoli within a period of one month from today.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang